

REMARKS

I. Introduction

In response to the Office Action dated January 8, 2009, which was made final, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, claims 6, 7, 16, 20, 28, 29, 38, 42, 50, 51, 60 and 64 have been canceled, and claims 1, 8, 9, 10, 14, 17-19, 21, 23, 30-32, 36, 39-41, 43, 45, 52-54, 58, 61-63 and 65 have been amended. Claims 1-5, 8-10, 13-15, 17-19, 21-27, 30-32, 35-37, 39-41, 43-49, 52-54, 57-59, 61-63, 65 and 66 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Prior Art Rejections

The Office Action includes the following rejections:

- In paragraph (4) of the Office Action, claims 1-4, 7-13, 16-18, 20, 22-26, 29-35, 38-40, 42, 44-48, 51-57, 60-62, 64 and 66 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson et al., U.S. Patent No. 7,082,411 (Johnson), in view of Sulkowski et al., U.S. Patent Publication No. 2004/0039688 (Sulkowski), and further in view of Sandretto, U.S. Patent No. 5,812,988 (Sandretto).
- In paragraph (5) of the Office Action, claims 6, 28 and 50 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson, in view of Sulkowski, in view of in view of Sandretto, and further in view of Atkins, U.S. Patent No. 5,852,811 (Atkins).
- In paragraph (6) of the Office Action, claims 5, 14-15, 27, 36, 37, 49, 58 and 59 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson, in view of Sulkowski, in view of in view of Sandretto, and further in view of Kuhlemeyer, “Fundamentals of Financial Management” (Kuhlemeyer).
- In paragraph (7) of the Office Action, claims 19, 41 and 63 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson, in view of Sulkowski, in view of in view of Sandretto, and further in view of Microsoft Office Excel 2003 (Microsoft).
- In paragraph (8) of the Office Action, claims 21, 43 and 65 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson, in view of Sulkowski, in view of in view of Sandretto, in view of Microsoft, and further in view of Kuhlemeyer.

Applicant's attorney respectfully traverses these rejections in view of the amended claims set forth above and the arguments set forth below.

Applicant's independent claims have been amended to better distinguish over the references. Specifically, the NPV and FV calculations performed in Applicant's independent claims are different from those shown in the references because they entail the following:

- (1) performing the NPV calculations by calculating forecast amounts for each forecast period for the selected accounts, applying attrition rates to the calculated forecast amounts to arrive at NPV expected values, calculating an NPV amount by combining the NPV expected values for each forecast period and discounting the combined NPV expected values; and
- (2) performing the FV calculations by calculating propensity amounts for each forecast period for the selected accounts using the propensity rates, applying the attrition rates to the calculated propensity amounts to arrive at FV expected values, calculating an FV amount by discounting the FV expected values for each forecast period and summing the discounted FV expected values.

With regard to the assertion by the Office Action that Johnson discloses selecting accounts, amounts and rates, in its recitation of "asset data", and performing one or more Net Present Value (NPV) and Future Value (FV), in its recitation of "NPV" and "expected payoff", Applicant's attorney disagrees. The "asset data" of Johnson does not teach or suggest selecting "forecast amounts, attrition rates and propensity rates" from a database, as recited in Applicant's claims. Moreover, while Johnson may disclose NPV calculation, it does not teach or suggest the specific NPV and FV calculations recited in Applicant's claims, as set forth above, namely calculating forecast amounts, applying attrition rates, and then discounting for the NPV, and calculating propensity amounts, applying attrition rates, and then discounting for the FV.

With regard to the assertion by the Office Action that Sulkowski discloses the same NPV and FV calculations as Applicant's claims, Applicant's attorney disagrees. Applicant's NPV and FV calculations, as amended, are quite different from those found in Sulkowski. For example, the Office Action asserts that Sulkowski discloses the calculation of FV as part of the calculation of NPV ("a net present value in multiple future periods utilizing discount rates would be a future value"). However, in Applicant's claims, the FV calculations are different from the NPV calculations, as noted above. Consider that Applicant's NPV calculations begin by calculating

“forecast amounts” for each forecast period, while Applicant’s FV calculations begin by calculating “propensity amounts” for each forecast period. Moreover, in Applicant’s claims, the NPV calculations use attrition rates and discounting, while the FV calculations use propensity rates, attrition rates and discounting. Sulkowski, on the other hand, only shows discount rates.

With regard to the assertion by the Office Action that Sandretto discloses the specifics of Applicant’s NPV and FV calculations as recited in Applicant’s claims, Applicant’s attorney disagrees. In the calculation of NPV, Applicant’s claims recite calculating forecast amounts (not propensity amounts) for each forecast period, followed by the application of attrition rates and discounting. In the calculation of FV, Applicant’s claims recite calculating propensity amounts (not forecast amounts) for each forecast period using propensity rates, followed by the application of attrition rates and discounting. Sandretto, on the other hand, refers only to generating multiple estimates of cash flow for an asset, adjusting those cash flows for inflation, and discounting the adjusted cash flows using different risk measures, in order to determine a present value (PV) for each cash flow. Sandretto does not separately perform both NPV and FV calculations, wherein the NPV calculations entail calculating forecast amounts for each forecast period followed by the use of attrition rates and discounting, and the FV calculations entail calculating propensity amounts for each forecast period using propensity rates followed by the use of attrition rates and discounting, where both the NPV and FV calculations are followed by the combining of the NPV and FV results as an LTV value.

Consequently, the combination of Johnson, Sulkowski and Sandretto does not teach or suggest all of the elements of Applicant’s independent claims, as amended. Moreover, the remaining references fail to overcome the deficiencies of Johnson, Sulkowski and Sandretto (i.e., the Atkins, Kuhlemeyer and Microsoft references were cited only for teaching limitations not found in Applicant’s amended independent claims).

Thus, Applicant’s attorney submits that independent claims 1, 23 and 45 are allowable over Johnson, Sulkowski, Sandretto, Atkins, Kuhlemeyer, and Microsoft. Further, dependent claims 2-5, 8-10, 13-15, 17-19, 21, 22, 24-27, 30-32, 35-37, 39-41, 43, 44, 46-49, 52-54, 57-59, 61-63, 65 and 66 are submitted to be allowable over Johnson, Sulkowski, Sandretto, Atkins, Kuhlemeyer, and Microsoft in the same manner, because they are dependent on independent claims 1, 23 and 45, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-5, 8-10, 13-15, 17-19, 21, 22, 24-27, 30-32, 35-37, 39-41, 43, 44,

46-49, 52-54, 57-59, 61-63, 65 and 66 recite additional novel elements not shown by Johnson, Sulkowski, Sandretto, Atkins, Kuhlemeyer, and Microsoft.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge all fees to Deposit Account No. 50-4370 of Teradata Corporation (the assignee of the present application).

Respectfully submitted,

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